

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 37

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR LICENSE APPLICATIONS TO BE ACCEPTED OVER THE INTERNET; PROVIDING FOR ELECTRONIC APPLICATIONS FOR HUNTING LICENSE DRAWINGS; PROVIDING A PENALTY FOR A NONRESIDENT TO POSSESS A RESIDENT LICENSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-3-5 NMSA 1978 (being Laws 1923, Chapter 129, Section 1, as amended) is amended to read:

"17-3-5. APPLICATION FOR HUNTING OR FISHING LICENSES-- CONTENTS-- FILING. --

A. The director of the department of game and fish shall prepare and furnish blank applications for all persons applying for fishing or hunting licenses within the state.

Except as provided in Subsection B or E of this section, each person, before receiving any fishing or hunting license, shall

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 make application on a blank so provided. Among other matters
2 that may be shown by the application shall be a statement
3 showing the exact residence of the applicant. Except as
4 provided in Subsection B or E of this section, the application
5 shall be signed by the applicant. All applications for
6 licenses shall be filed with and issued by license vendors
7 appointed by the director. All fishing and hunting licenses
8 and the applications therefor shall contain the place of
9 residence of the person to whom any license may be issued.

10 B. License vendors, as authorized by the director
11 of the department of game and fish, shall be allowed to take
12 applications for hunting and fishing licenses or authorizations
13 via telephone or the internet. The vendor or applicant shall
14 fill out a license application [~~and collect~~] with the same
15 information as required for other applications. The vendor
16 shall mail the license to the applicant, and the license [~~must~~]
17 shall be in the possession of the hunter or angler unless
18 otherwise provided in Chapter 17 NMSA 1978. All money
19 collected through telephone or internet sales shall be remitted
20 to the director by the tenth day of the month following the
21 sale. An individual receiving a license pursuant to this
22 subsection is not required to sign an application prior to
23 issuance of the license; provided, however, that such
24 individual is subject to prosecution pursuant to Section 17-3-6
25 NMSA 1978 for any false or fraudulent statement or other

. 153216. 1

underscored material = new
[bracketed material] = delete

1 misrepresentation as if [~~he~~] the individual had signed an
2 application for license.

3 C. Upon request, [~~the~~] an applicant for a fishing
4 or small game license shall receive an authorization number as
5 assigned by the director of the department of game and fish
6 through the vendor. The authorization number may be used in
7 lieu of the actual license only by the individual who applies
8 and meets the requirements for a license. The authorization
9 number shall serve as a license for the purposes of Sections
10 17-3-1 and 17-3-17 NMSA 1978. It is a misdemeanor to hunt or
11 fish with an invalid authorization number or a number issued to
12 another person.

13 D. Each license vendor authorized to sell licenses
14 via telephone or internet may collect the actual cost, not to
15 exceed five dollars (\$5.00), of shipping and handling the
16 application and license issuance.

17 E. The director of the department of game and fish
18 may prepare and furnish an electronic application for all
19 persons applying for hunting license drawings. A person making
20 an electronic application is not required to sign an
21 application prior to issuance of the license; provided that the
22 person is subject to prosecution pursuant to Section 17-3-6
23 NMSA 1978 for any false or fraudulent statement or other
24 misrepresentation as if the person had signed an application."

25 Section 2. Section 17-3-6 NMSA 1978 (being Laws 1923,

. 153216. 1

underscored material = new
[bracketed material] = delete

1 Chapter 129, Section 2, as amended) is amended to read:

2 "17-3-6. FALSE STATEMENTS--USING LICENSE ISSUED TO
3 ANOTHER--HUNTING WITHOUT LICENSE LAWFULLY PROCURED--ALTERING
4 LICENSES.--It is a misdemeanor:

5 A. to certify or sign any false or fraudulent
6 statement relative to the residence of any applicant for a
7 hunting or fishing license or permit;

8 B. for any nonresident of New Mexico, for the
9 purpose of securing a New Mexico hunting or fishing license, to
10 make or cause to be made any false or fraudulent statements or
11 representations to any person issuing hunting and fishing
12 licenses in this state;

13 C. to use a hunting or fishing license issued to or
14 in the name of any other person or in the name of any
15 fictitious person;

16 D. to hunt game or fish in New Mexico without a
17 license lawfully procured; [or]

18 E. for any license vendor or any licensee to alter
19 or predate or postdate any license, certificate or permit; or

20 F. for any nonresident to possess a resident
21 hunting, fishing or trapping license issued in the
22 nonresident's name pursuant to a telephone, electronic or hard
23 copy application. "